

**REMARKS**

In accordance with the foregoing, claims 2, 4, 8, 12, and 15 are cancelled without prejudice or disclaimer, and claims 1, 3, 5, 6, 7, 9, 11, 14, 18, and 19 are amended. Accordingly, claims 1, 3, 5-7, 9-11, 13-14, and 16-20 are pending and under consideration.

Objection to Claims 8, 12, 15, and 19

The Office Action objects to claims 8, 12, 15, and 19 as being dependent upon a rejected base claim. Claims 8, 12, and 15 are cancelled without prejudice or disclaimer, and claim 19 is amended to place claim 19 in independent from.

Accordingly, withdrawal of this objection is respectfully requested.

Rejection of Claims 1-6 and 14 Under 35 U.S.C. §102(b)

The Office Action rejects claims 1-6 and 14 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,980,211 issued to Tojo et al. (hereinafter referred to as "Tojo"). This rejection is respectfully traversed.

Claims 2 and 4 are cancelled without prejudice or disclaimer.

Tojo does not disclose, teach, or suggest at least, "wherein the control unit compensates for differences between the commanded top dead center and an actual top dead center of the piston and between the commanded bottom dead center and an actual bottom dead center of the piston," as recited in claims 1, 3, and 5. As indicated in item 7 of the Office Action, the cited reference does not disclose this feature. Therefore, for at least these reasons, claims 1, 3, and 5 are patentably distinguishable from the cited reference.

Tojo does not disclose, teach, or suggest at least, "wherein the electrical characteristic values of the drive motor include resistance information, inductance information, and back electromotive force constant information of the drive motor," as recited in claims 6 and 14. As indicated in item 7 of the Office Action, the cited reference does not disclose this feature. Therefore, for at least these reasons, claims 6 and 14 are patentably distinguishable from the cited reference.

Accordingly withdrawal of this objection is respectfully requested.

Rejection of Claims 6, 7, and 14 Under 35 U.S.C. §102(b)

The Office Action rejects claims 6, 7, and 14 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Publication 2001/0005320 to Ueda et al. (hereinafter referred to as "Ueda"). This rejection is respectfully traversed.

Tojo does not disclose, teach, or suggest at least, "wherein the electrical characteristic values of the drive motor include resistance information, inductance information, and back electromotive force constant information of the drive motor," as recited in claims 6 and 14. As indicated in item 7 of the Office Action, the cited reference does not disclose this feature. Therefore, for at least these reasons, claims 6 and 14 are patentably distinguishable from the cited reference.

Claim 7 depends from claim 6 and includes all of the features of claim 6. Therefore, for at least these reasons, claim 7 is also patentably distinguishable from the cited reference.

Accordingly withdrawal of this objection is respectfully requested.

Rejection of Claims 9-11, 13, 16-18, and 20 Under 35 U.S.C. §103(a)

The Office Action rejects claims 9-11, 13, 16-18, and 20 under 35 U.S.C. § 103(a) as being unpatentable over Tojo and Ueda. This rejection is respectfully traversed.

Tojo and Ueda, taken separately or in combination do not disclose, teach, or suggest at least, "wherein the control unit compensates for differences between the commanded top dead center and an actual top dead center of the piston and between the commanded bottom dead center and an actual bottom dead center of the piston," as recited in claims 1 and 9. As indicated in item 7 of the Office Action, the cited references do not disclose this feature. Therefore, for at least these reasons, claims 1 and 9 are patentably distinguishable from the cited references.

Claims 16, 17, and 18 depend from claim 1 and include all of the features of claim 1. Therefore, for at least these reasons, claims 16, 17, and 18 are also patentably distinguishable from the cited references.

Claim 10 depends from claim 9 and includes all of the features of claim 9. Therefore, for at least these reasons, claim 10 is patentably distinguishable from the cited references.

Tojo and Ueda, taken separately or in combination do not disclose, teach, or suggest at least, "wherein the amplitude control unit comprises: a first adder to obtain a difference between a commanded top dead center based on the top dead center command received from the

outside of the linear compressor and an actual top dead center of the piston; a second adder to obtain a difference between a commanded bottom dead center based on the bottom dead center command received from the outside of the linear compressor and an actual bottom dead center of the piston; and an amplitude setting unit to set the maximum amplitude of the drive current supplied to the drive motor to an intensity to compensate for the differences between the commanded top dead center and the actual top dead center and between the commanded bottom dead center and the actual bottom dead center, obtained by the first and second adders, respectively," as recited in claim 11. As indicated in item 7 of the Office Action, the cited references do not disclose this feature. Therefore, for at least these reasons, claim 11 is patentably distinguishable from the cited references.

Claims 13 and 20 depend from claim 11 and include all of the features of claim 1. Therefore, for at least these reasons, claims 13 and 20 are also patentably distinguishable from the cited references.

Accordingly withdrawal of this objection is respectfully requested.

Summary

Claims 1, 3, 5-7, 9-11, 13-14, and 16-20 are pending and under consideration. It is respectfully submitted that none of the references taken alone or in combination disclose the present claimed invention.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Serial No. 10/790,700

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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